

REMARKS

I. Introduction

Claims 11 to 21 are currently pending in the present application, since claims 1 to 10 were previously canceled. In view of the foregoing amendments and the following remarks, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration of the present application is respectfully requested.

Applicants note with appreciation the acknowledgement of the claim for foreign priority and the indication that all of the certified copies of the priority documents have been received.

Applicants thank the Examiner for considering the previously filed Information Disclosure Statements, PTO-1449 papers, and cited references.

II. Rejection of Claims 11 to 21 under 35 U.S.C. § 101

Claims 11 to 21 were rejected under 35 U.S.C. § 101 as assertedly being directed to non-statutory subject matter. Specifically, the Office Action asserts that the claims do not tie the steps of the claims to a machine. With respect to claims 20 and 21, the claims are directed to a computer-assisted vehicle information system including connection interfaces and a control circuit. Therefore, no amendment to either of claims 20 and 21 is necessary. As for claims 1 to 19, while Applicants do not agree with the merits of this rejection with respect to those claims either, nevertheless, to facilitate matters, claim 11 has been amended herein without prejudice, to render moot the present rejection. Withdrawal of this rejection of claims 11 to 21 is therefore respectfully requested.

III. Rejection of Claims 11 to 21 Under 35 U.S.C. § 102(e)

Claims 11 to 21 were rejected under 35 U.S.C. § 102(e) as assertedly anticipated by U.S. Patent Application Publication No. 2006/0041381 (“the Simon reference”). It is respectfully submitted that the Simon reference does not anticipate any of claims 11 to 21, and the rejection should be withdrawn, for at least the following reasons.

The Simon reference does not constitute prior art against the present application which has a priority date of October 2, 2003. In this regard, the present application claims priority to German Patent Application No. 103 45 948.0. A claim of priority to German Patent Application No. 103 45 948.0 was made, *inter alia*, in the “Combined Declaration and Power of Attorney” submitted on March 24, 2006, and the

Office has acknowledged receipt of all certified copies of the priority document. A certified English-language translation of German Patent Application No. 103 45 948.0 is submitted herewith.

The Simon reference was filed May 3, 2005, which is after the October 2, 2003 priority date of the present application. Moreover, while the Simon reference claims priority to PCT No. PCT/DE03/01409, filed May 2, 2003, the May 2, 2003 filing date is not the 35 U.S.C. § 102(e) date of the Simon reference because PCT No. PCT/DE03/01409 did not publish in English, and “an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of [35 U.S.C. § 102(e)] of an application filed in the United States only if the international application designated the United States and as published under Article 21(2) of such treaty in the English language.” 35 U.S.C. § 102(e).

While the Simon reference further claims priority to U.S. Provisional Patent Application Ser. No. 60/378,444 (“the Provisional application”) filed May 7, 2002, the features of claims 11 to 21 are not at all disclosed in the Provisional application to which the Simon reference claims priority. Thus, with respect to the features of claims 11 to 21 of the present application, the Simon reference is not entitled to the May 7, 2002 filing date of the Provisional application.

In this regard, claim 11 relates to a method for evaluation and stabilization over time of classification results from a classification method, and provides for repeatedly classifying objects, and increasing and decreasing confidence parameters based on whether subsequent classifications confirm previous classifications. The Provisional application does not concern these features. Instead, the Provisional application refers to determining a state of an object and a host vehicle and predicting a likelihood of future collision of the vehicle with the object. The only reference to classification of an object in the Provisional application is at page 2, which states that “[t]he POC/PNM algorithm is part of a system that detects objects, classifies them (if possible), determines the state of the host vehicle and objects, determines the probability of collision and the probability of near miss between the host vehicle and objects, and provides these values to a threat assessment algorithm.” Aside from mentioning the possibility of classification of objects, the Provisional application is completely silent as to how such a classification might be performed, and does not disclose, or even suggest, the steps of repeatedly classifying the objects, or increasing or decreasing confidence scores over a sequence of performed classifications.

Accordingly, at least with respect to the features of claim 11 and its dependent claims 12 to 19, the Simon reference does not constitute prior art against the present application.

Claim 20 relates to a computer-assisted vehicle information system and includes subject matter analogous to that of claim 11, so that the Simon reference does not constitute prior art against the present application with respect to the features of claim 20 and its dependent claim 21 for at least the same reasons as claim 1.

Withdrawal of this anticipation rejection of claims 11 to 21 is therefore respectfully requested.

IV. Conclusion

In light of the foregoing, it is respectfully submitted that all of the presently pending claims are allowable. Prompt reconsideration and allowance of the present application are therefore earnestly solicited.

Respectfully submitted,

Dated: July 10, 2009

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